

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KEVIN BUTTS,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV67
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate James E. Seibert ("R&R") (dkt. no. 12), dated May 21, 2015. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the R&R permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). To date, no objections have been filed and the time in which to do so has expired. Accordingly, this Court will review the R&R for clear error.

Upon review of the R&R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation

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(dkt. no. 12) should be, and, is, **ADOPTED** for the reasons more fully stated therein. Therefore, the Court

1. **GRANTS** the defendant's motion for Summary Judgment (dkt. no. 10);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 9); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** it **STRICKEN** from the active docket of this Court.

The Court directs the Clerk of Court to enter judgment in favor of the defendant and to transmit copies of both Orders to all counsel of record.

It is so **ORDERED**.

DATED: June 24, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE